

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 614 – HB 1043

April 8, 2013

SUMMARY OF ORIGINAL BILL: Redefines “imitation controlled substance” under Tenn. Code Ann. § 39-17-453(d). Makes the definition disjunctive, rather than conjunctive. A pill, capsule, tablet, or substance in any form is an imitation controlled substance if it purports to act like a controlled substance, is a derivative of the chemical structure of a controlled substance, or is an analogue of, rather than substantially similar to, a controlled substance.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (006486): Deletes all language after the enacting clause and rewrites the bill so as to break the subsection up into subdivisions. The amendment makes the same substantive changes as the bill.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Tenn. Code Ann. § 39-17-453 was enacted by Public Chapter 843 of 2012. According to the Administrative Office of the Courts, there have been no indictments under the statute. It is assumed that change to the definition of imitation controlled substances will not result in any increase of admissions above those estimated in the fiscal note for Public Chapter 843 of 2012.
- It is estimated that any admissions resulting from this proposed legislation are currently being appropriated for in the DOC’s budget. Therefore, any admissions as a result of the proposed legislation will not have a significant fiscal impact and can be accommodated within the existing resources of the Department without an increased appropriation.
- According to the District Attorneys General Conference, the bill is primarily a procedural issue, rather than a change to prosecutorial efforts. The DAGC does not believe the bill would have a significant impact, and they can accommodate any impact within existing resources.

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- According to the District Public Defenders Conference, the bill will not have a significant impact on their caseload, and they can accommodate any impact within existing resources.
- It is assumed that state and local courts can accommodate any impact within existing resources.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

/trm